

ORDINANCE 2121

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY ADDING CHAPTER 103, FOOTING DRAIN DISCONNECTION PROGRAM

SECTION 1. BE IT ENACTED by the City Council of the City of Ankeny, Iowa that the Code of Ordinances is hereby amended by adding the following chapter:

CHAPTER 103 Footing Drain Disconnection Program

103.01 Title. This chapter shall be known as the “Footing Drain Disconnection Program” of the City.

103.02 Purpose. The purpose of this Chapter is to eliminate footing drain connections to the sanitary sewer system by establishing procedures of notification and procedures of removal for property owners to disconnect the footing drain from the sanitary sewer system and connect the footing drain to the public storm sewer system or public footing drain collection system within a specific period of time; and to establish monthly surcharge payments for property owners with previous notification that fail to disconnect footing drains within a specified period of time following notification.

103.03 Applicability. This Chapter shall be applicable to all properties located within the corporate boundaries of the City of Ankeny, Iowa that are not currently connected to a public storm sewer system or public footing drain collection system; and are within the limits of a City public improvement project that has constructed a public storm sewer system or public footing drain collection system; or have an approved public storm sewer system or public footing drain collection system adjacent to the property.

103.04 Notification Procedure. The Director of Municipal Utilities shall notify property owners that directly or indirectly connect footing drains, foundation drains, roof downspouts, sump pumps, sump pits, or similar systems or devices to the sanitary sewer system. The notification shall mandate that disconnection from the sanitary sewer system is required within the specified period of time and installation of a sump pump pit, sump pump, discharge line, and connection to a public storm sewer system or public footing drain collection system is required.

103.05 Removal of Footing Drain Connections Required. All direct or indirect connections of a footing drain, foundation drain, roof downspouts, sump pump, sump pit, or similar system or device intended to collect and convey groundwater along, adjacent to, beside or under the footing, foundation or basement of any building shall be disconnected from the sanitary sewer system within eighteen (18) months after the notification by the Director of Municipal Utilities. Disconnection shall mean removal of any direct or indirect connection to the sanitary sewer system, including direct connections to the sanitary sewer service, connections to a sanitary

sewer floor drain or similar plumbing fixture that would allow footing drain flow to enter the sanitary sewer system.

103.06 Approved Removal Procedure. The approved removal procedure for a direct or indirect footing drain connection to the sanitary sewer system under this Chapter must fully comply with the following:

1. **Inspection of Existing Condition.** Prior to beginning any work on the removal or disconnection of the footing drain connection, the existing condition must be inspected by the City. The property owner shall be responsible to obtain a plumbing permit and schedule the inspection. The plumbing permit fee will be waived by the City.
2. **Approved System.** An approved system for the removal of footing drain connections must be used. The approved system shall consist of a sump pump and sump pump pit with a discharge to an approved storm sewer connection or an approved footing drain collection connection.
3. **Construction Inspection.** Upon installation of the sump pump pit, sump pump, and plumbing connections; and prior to installation of the concrete floor, the property owner shall be responsible to schedule an inspection by the City of the completed work.
4. **Plugging of Existing Connection.** After the property owner connects their footing drain to the public storm sewer system or public footing drain collection system, any direct or indirect connection between the footing drain and the sanitary sewer system of the building shall be permanently plugged in a manner approved by the City.
5. **Floor Drain Connection Prohibited.** The new system shall be installed in such a manner that direct or indirect flow from the footing drain to a floor drain shall not be possible.
6. **Post-Construction Inspection.** The installation of the sump pump and associated facilities work shall be inspected by the City. The property owner shall be responsible to schedule the post-construction inspection.

103.07 Non-Compliance Fee for Footing Drain Connection. Any property owner with a direct or indirect footing drain connection to the sanitary sewer system, being properly notified as described under Section 103.04, and remaining in place eighteen (18) months after said notification, shall be subject to a monthly surcharge of seventy-five dollars (\$75.00) for potential un-metered flow contributed to the sanitary sewer system. The payment will be in addition to all other sanitary sewer user charges.

103.08 Rebuttable Presumption. There is a presumption that the property owners receiving notification have a footing drain connection to the sanitary sewer system as prohibited under this Chapter. Effective eighteen (18) months after notification that properties that have not completed an approved removal procedure or other equivalent removal procedure inspected and

documented by the City shall be presumed to have a footing drain connection for purposes of this Chapter.

103.09 Refund of Non-Compliance Fee. Any property owner subject to the non-compliance fee under this Chapter may provide acceptable proof to the City that they do not have a direct or indirect footing drain connection to the sanitary sewer system. If the City determines there was no direct or indirect footing drain connection as of the date of non-compliance, the City shall refund the non-compliance fee payments collected. In the event the City determines a footing drain disconnection was completed and the footing drain connection no longer exists, the City shall discontinue the imposition of the non-compliance fee for that property owner and shall refund previous non-compliance fee payments. Such refund shall be limited to the number of monthly payments made or three (3) months, whichever is smaller.

103.10 Inspection and Notice. The City may conduct periodic inspections of properties to confirm there are not direct or indirect connections of the footing drain to the sanitary sewer system. If during an inspection the City determines there is a direct or indirect connection as a result of a modification of the system to allow for a direct or indirect connection, failure to maintain or replace a failed sump pump that would allow an indirect or direct connection to the sanitary sewer system, or such other cause as may allow a direct or indirect connection, the City shall provide the property owner a written notice. The property owner shall be provided thirty (30) days to cure the defect and to arrange for re-inspection by the City. If at the end of thirty (30) days the direct or indirect connection has not been inspected and determined to have been removed, the property owner shall be subject to the non-compliance fee provisions under this Chapter. The payment shall continue until such time as the City determines through inspection the direct or indirect footing drain connection no longer exists.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

PASSED by the Council the 3rd day of October 2022.

Mark E. Holm, Mayor

ATTEST:

Michelle Yuska, City Clerk

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